

In the Court of Appeals of the State of Alaska

Norman Ronald Seton,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. **A-12820**

Order

Accept Late-Filed Brief

Date of Order: **October 8, 2019**

Trial Court Case No. **3AN-16-00936CR**

The Appellant's reply brief was due on August 30, 2019. After the Appellant's attorney, Nicholas A. Polasky, failed to file either the brief or an appropriate request for an extension of time, this Court ordered Mr. Polasky to show cause why a fine of \$50.00 should not be imposed under Appellate Rule 510(c).

Mr. Polasky has filed his response to the order to show cause. He has also filed the Appellant's reply brief and a request that the Court accept the late-filed reply brief.

The Court notes that in June 2018, Mr. Polasky was fined \$50.00 for failing to timely file an appellant's brief in a different case — *McKinley v. State*, A-12822. See Order dated June 18, 2018. That fine, however, was suspended for twelve months on the condition that Mr. Polasky adhere to this Court's deadlines for the next twelve months.

After reviewing Mr. Polasky's response to the order to show cause, and considering his prior sanction for failing to timely file a brief, the Court concludes that a sanction will be imposed in this case.

Accordingly, IT IS ORDERED:

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1. Mr. Polasky shall be sanctioned in this case in the amount of \$50.00 with \$50.00 suspended for a period of eighteen months. The suspension is conditioned on Mr. Polasky having no further violations of court rules during those eighteen months.

2. In the future, when Mr. Polasky fails to honor a filing deadline and the Clerk's Office issues an order to show cause, the proposed fine shall be \$100, rather than the standard proposed fine of \$50.

3. The Clerk of the Appellate Courts shall notify all case managers of the provisions of paragraph 2.

4. The motion to accept the late-filed brief is **GRANTED**, and the reply brief is accepted as filed.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts

Ryan Montgomery-Sythe, Chief Deputy
Clerk

Distribution:

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